



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/569,028

02/21/2006

Sotiris Theodorakakis

AP083-06

9142

29689

7590

10/27/2008

DAVID A. GUERRA

INTERNATIONAL PATENT GROUP, LLC

2025 17TH AVENUE N.W.

CALGARY, AB T2M 0S7

CANADA

EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/569,028

Examiner

Gay Ann Spahn

Applicant(s)

THEODORAKAKIS, SOTIRIS

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 16 May 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☒ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☒ C. Other See Continuation Sheet.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: Applicant appears to be amending by Substitute Specification in accordance with 37 CFR 1.121(b)(3) which requires a Substitute Specification and a Marked-Up Copy of the original specification as per 37 CFR 1.125(c). However, the Substitute Specification and Marked-Up Copy of the original specification cannot be a part of the "Amendment/Response to a Non-Final Office Action" document filed on 16 May 2008, but must be an attachment thereto as the page numbering thereof must be maintained as closely as possible to the original specification. The Substitute Specification and Marked-Up Copy of the original specification should just be attached to the specification similar to as was done with the new sheet of drawing. The examiner notes that in order to be responsive to this Notice of Non-Compliant Amendment, Applicant must send in an entire new "Amendment to the Specification" section which includes a page entitled "Amendment to the Specification" which has an instruction to replace the original specification with the Substitute Specification, a clean copy of the Substitute Specification, a Marked-Up copy of the original specification, and a statement that the Substitute Specification contains no new matter.

Continuation of 3(c) Other: Applicant has not complied with the last sentence of 37 CFR 1.121(d) in that "[a]ll changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper." The examiner notes that adding a new sheet of drawing with a new figure thereon is a change that must be explained IN DETAIL. In order to correct the errors with respect to the drawings, Applicant must send in an entire new "Amendment to the Drawing" section.

Continuation of 5 Other: The "Amendments to the Drawing" section on page 1 of 32 of the "Amendment/Response to a Non-Final Office Action" filed 16 May 2008 must begin on a separate sheet in accordance with 37 CFR 1.121(h). The examiner notes that in response to this Notice of Non-Compliant Amendment, Applicant must send in an entire new "Amendment to the Drawing" section including the New Sheet of drawing figure.

/Gay Ann Spahn/  
Gay Ann Spahn, Primary Examiner  
October 23, 2008